

OPINION
49-171

March 28, 1949 (OPINION)

SOIL CONSERVATION

RE: District May Employ Own Attorney

Re: Section 4-2213, Section 4-2223 and Section 4-2226 R.C. 1943

Your letter of March 24th addressed to the attorney general has been received and referred to my desk for attention.

You inquire with reference to the power and authority of the district to employ an attorney to assist in making collections under contracts entered into which may require the bringing of lawsuits.

Section 4-2213 N.D.R.C. 1943 makes the district "a governmental subdivision of the state and a body corporate and politic."

Section 4-2226 (10) gives the corporate body the power "to sue and be sued in the name of the district." The power to sue clearly gives the power to employ an attorney or attorneys to conduct the suit.

Section 4-2223 authorizes the district to call upon the attorney general or the state's attorney for such legal services as they may require. It is our opinion that this section makes it the duty of the attorney general or a state's attorney merely to give the officers of the district advice upon any questions of law that may arise in connection with the conduct of the business of the district, but does not require either of them to bring or conduct any suit to which the district may be a party. Since the district is a body corporate with the power to sue or be sued, it is our opinion that the district may employ any attorney it may choose to bring such suits it may need to bring, or to defend any suit which may be brought against it.

WALLACE E. WARNER

Attorney General